

**SENATE JOURNAL  
66TH LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Phillips and Vuckovich, excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/25/2019  
Correctly printed: **SB 10, SB 17, SB 20, SB 29, SB 50, SB 54, SB 74, SB 81, SB 94, SB 98, SB 101, SB 104, SB 115, SB 166, SB 167, SB 168, SB 169, SB 170, SB 171, SB 172, SR 8, SR 9, SR 10, SR 11, SR 12, SJ 1.**  
Correctly engrossed: **SB 32, SB 45, SB 49, SB 58, SB 68, SB 85, SB 119.**  
Correctly enrolled: **SR 1, SR 2, SR 3.**  
Transmitted to the House: **SB 41, SB 76.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hoven, Chair): 1/24/2019  
**SB 68**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "PERMITS;"

**Insert:** "CLARIFYING THE DEFINITION OF PREDATORY ANIMAL FOR AERIAL HUNTING PERMITS; AMENDING SECTIONS 81-7-501 AND 81-7-505, MCA;"

2. Page 1.

**Following:** line 8

**Insert:** "**Section 1.** Section 81-7-501, MCA, is amended to read:

**"81-7-501. Aerial hunting prohibited -- exceptions.** (1) Except as provided in 81-7-505, a person, except an employee of the state, its subdivisions, or the federal government who is acting within the scope of the person's employment, may not engage in the aerial hunting of predatory animals, as defined in 81-7-101, without first obtaining a permit from the department of livestock. The permit must specify the species of predatory animals to be hunted and the geographic areas over which aerial hunting may take place. For purposes of this section, the term predatory animal as defined in 81-7-101 does not include species managed or protected subject to Title 87.

(2) A person issued a permit as required by this section may not engage in aerial hunting of predatory animals in violation of the terms of the permit, the rules promulgated by the board of livestock, or the terms of this part."

**"Section 2.** Section 81-7-505, MCA, is amended to read:

**"81-7-505. Resident landowners authorized to aerially hunt over their own lands**

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

**without permit -- conditions.** Any landowner having residence and domicile in Montana may engage in the aerial hunting of predatory animals, as defined in 81-7-101, over that person's own land without a permit, provided the landowner annually notifies the department in writing that the landowner will be engaged in aerial hunting and gives an adequate description of the location of the land over which the landowner will aerially hunt. Aerial hunting must be in accordance with all rules of the department of livestock. For purposes of this section, the term predatory animal as defined in 81-7-101 does not include species managed or protected subject to Title 87."

**Renumber:** subsequent section

And, as amended, do pass.

**JUDICIARY** (Regier, Chair):  
**HB 60**, do concur.

1/25/2019

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/24/2019

**HB 67**, introduced by T. Winter  
**HB 84**, introduced by K. Sullivan  
**HB 94**, introduced by Z. Brown  
**HB 98**, introduced by F. Garner  
**HB 106**, introduced by S. Gunderson  
**HB 127**, introduced by G. Custer  
**HB 129**, introduced by R. Fitzgerald

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 173**, introduced by T. Gauthier, referred to Highways and Transportation.  
**SB 174**, introduced by D. Kary, referred to Fish and Game.  
**SB 175**, introduced by D. Howard, K. Abbott, F. Anderson, D. Ankney, D. Barrett, D. Bartel, B. Beard, D. Bedey, B. Bennett, M. Blasdel, C. Boland, B. Brown, Z. Brown, E. Buttrey, J. Cohenour, W. Curdy, G. Custer, G. DeVries, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, J. Ellis, J. Ellsworth, D. Fern, S. Fitzpatrick, F. Fleming, P. Flowers, J. Fuller, M. Funk, W. Galt, R. Garcia, T. Gauthier, C. Glimm, S. Greef, J. Gross, S. Gunderson, B. Hamlett, D. Harvey, D. Hayman, S. Hinebauch, K. Holmlund, M. Hopkins, B. Hoven, T. Jacobson, J. Karjala, J. Kassmier, K. Kelker, C. Keogh, C. Knudsen, J. Krautter, D. Lenz, D. Loge, M. MacDonald, S. Malek, F. Mandeville, T. Manzella, M. Marler, E. McClafferty, N. McConnell, W. McKamey, T. Moore, S. Morigeau, D. Mortensen, M. Noland, A. Olsen, A. Olszewski, R. Peppers, Z. Perry, G. Pierson, J. Read, A.

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

Redfield, K. Regier, V. Ricci, T. Richmond, T. Runningwolf, M. Ryan, W. Sales, D. Salomon, D. Sands, C. Schreiner, R. Shaw, L. Sheldon-Galloway, J. Small, F. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, F. Thomas, B. Tschida, B. Usher, S. Vinton, G. Vuckovich, P. Webb, R. Webb, S. Webber, J. Welborn, T. Welch, J. Windy Boy, T. Winter, T. Woods, referred to State Administration.

**SB 176**, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, Z. Perry, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov, referred to Agriculture, Livestock and Irrigation.

**SB 178**, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, C. Knudsen, R. Lynch, R. Peppers, Z. Perry, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, D. Zolnikov, referred to Taxation.

**SB 179**, introduced by D. Kary, D. Ankney, B. Beard, M. Blasdel, E. Buttrey, M. Cuffe, J. Ellsworth, F. Fleming, R. Garcia, C. Glimm, D. Harvey, S. Hinebauch, B. Hoven, D. Howard, J. Keane, M. Lang, K. Regier, T. Richmond, C. Smith, G. Vance, R. Webb, J. Welborn, D. Zolnikov, referred to Local Government.

The following Senate bills were introduced and read first time:

**SB 177**, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov.

**SB 180**, introduced by J. Pomnichowski.

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 13**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

**SR 14**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

**SR 15**, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

**HB 67**, introduced by T. Winter (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

**HB 84**, introduced by K. Sullivan (by request of the Department of Revenue), referred to Taxation.

**HB 94**, introduced by Z. Brown (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

**HB 98**, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.

**HB 106**, introduced by S. Gunderson (by request of the Legislative Council), referred to State Administration.

**HB 127**, introduced by G. Custer, referred to Education and Cultural Resources.

**HB 129**, introduced by R. Fitzgerald, referred to State Administration.

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 77** - Senator McNally moved **SB 77** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 87** - Senator K. Regier moved **SB 87** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.  
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.  
Total 16

Paired: None.

Excused: Fielder, Phillips, Vuckovich.

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

Total 3

Absent or not voting: None.

Total 0

**SB 83** - Senator Fitzpatrick moved **SB 83** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.

Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.

Total 3

Absent or not voting: None.

Total 0

**SB 22** - Senator R. Webb moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Tempel, Vance, Webb, Welborn.

Total 25

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Pomnichowski, Sands, Sesso, Smith C, Smith F, Thomas, Webber.

Total 22

Paired: None.

Excused: Fielder, Phillips, Vuckovich.

Total 3

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

**SB 37** - Senator MacDonald moved **SB 37** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 84** - Senator Fitzpatrick moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn.  
Total 40

Nays: Gross, Hinebauch, Kary, Keenan, McConnell, Mr President, Vance.  
Total 7

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 111** - Senator Blasdel moved **SB 111** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 10** passed as follows:

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 50** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 54** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.  
Total 29



SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.  
Total 18

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 74** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.  
Total 47

Nays: None.  
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.  
Total 3

Absent or not voting: None.  
Total 0

**SJ 1** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.  
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.  
Total 18

Paired: None.

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 25, 2019

Excused: Fielder, Phillips, Vuckovich.

Total 3

Absent or not voting: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Fitzpatrick thanked the Pages for their service this week.

**MOTIONS**

Majority Leader Thomas moved that **SB 84** and **SB 111**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 28, 2019, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate